

Introduced: 1/12/82
Referred: Health, Education &
Social Services

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 650

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to licensing of foster homes, group
7 homes, nurseries, and institutions; and providing for
8 an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 47.35.040 is repealed and reenacted to read:

11 Sec. 47.35.040. LICENSING. (a) The department shall issue a
12 license to a facility if it determines that the facility has met the
13 standards for operation set out in AS 47.35.010 -- 47.35.080 and the
14 regulations adopted under AS 47.35.010 -- 47.35.080.

15 (b) A license is valid for two years after the date of issuance
16 unless it is revoked or modified. The department may revoke a license
17 or modify a license to provisional status if it determines that a facil-
18 ity is not in compliance with AS 47.35.010 -- 47.35.080 or the regula-
19 tions adopted under AS 47.35.010 -- 47.35.080.

20 (c) The department may waive compliance with a standard set out in
21 regulations adopted under AS 47.35.010 -- 47.35.080 if an acceptable
22 alternative is established which meets the purpose of the provision and
23 reasonably assures the well-being of persons in care.

24 (d) A license may not be transferred to a different facility or
25 owner.

26 (e) The department shall give written notice of revocation or
27 modification under (b) of this section 30 days before the effective date
28 of the action. However, if the health or well-being of children or
29 dependent adults is in jeopardy, the revocation or modification action

1 is effective immediately upon the issuance of written notice by the
2 department.

3 * Sec. 2. AS 47.35 is amended by adding a new section to read:

4 Sec. 47.35.055. PROVISIONAL LICENSE. (a) The department shall
5 issue a provisional license to a new facility if the facility submits to
6 the department an acceptable plan for operation which is in conformity
7 with the provisions of AS 47.35.010 -- 47.35.080 and the regulations
8 adopted under AS 47.35.010 -- 47.35.080. After the department deter-
9 mines that the new facility is operating in conformance with the provi-
10 sions of AS 47.35.010 -- 47.35.080 and the regulations adopted under
11 AS 47.35.010 -- 47.35.080, the department shall issue a license under
12 AS 47.35.040 to the facility.

13 (b) The department may issue a provisional license to a facility
14 which is licensed under AS 47.35.040 but is temporarily unable to con-
15 form to the provisions of AS 47.35.010 -- 47.35.080 or the regulations
16 adopted under AS 47.35.010 -- 47.35.080.

17 (c) The department may issue a provisional license under (b) of
18 this section only if the facility submits to the department an accep-
19 table plan to bring the facility into conformity with the provisions of
20 AS 47.35.010 -- 47.35.080, and the regulations adopted under AS 47.35.-
21 010 -- 47.35.080 within the time specified in the provisional license.

22 (d) A provisional license is valid for a period not exceeding one
23 year from the date of issuance. The department may renew a provisional
24 license for an additional period not to exceed one year.

25 * Sec. 3. AS 47.35.080 is amended by adding a new paragraph to read:

26 (6) "facility" means the administration, program, and physi-
27 cal plant of a nursery caring for children, or a foster home, group
28 home, or institution caring for children or dependent adults.

29 * Sec. 4. AS 47.35.050 is repealed.

1 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).

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